IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 788 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	:	Court's or Judge's Orders

Mrs.G.P.Mulekar, APP for the State.

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the State impugning the judgment and order passed by the Judicial Magistrate, First Class, Phaltan on 5/3/2004 acquitting the accused for the offences punishable under sections 324, 323, 506 read with 34 of the Indian Penal Code. On perusal of impugned judgment and order, it is seen that the same has been passed on cogent and acceptable reasons. On 21/9/2000, Jagannath filed complaint with lonand police station alleging that at about 8.30 a.m., on the same

day, four accused persons arrived. They threatened and abused his wife-Suman and younger sister-in-law Shantabai. Accused started beating them so, Jagannath intervened. At that time, one of the accused Tanaji who was having axe in his hand inflicted blow of it on Jagannath's head, thus, causing bleeding injury. The accused Janabai inflicted blow of wooden stick on back of Suman and Shantabai and they both sustained blunt injury. It is seen from the record that medical certificate of Suman and Shantabai were not produced. At the trial, weapons which were said to have been recovered were not identified by Jagannath. There was discrepancy in the evidence of Jagannath and other witnesses and Suman.

2. In view of the above, this is not a fit case for interference. In

the circumstances, leave is refused and consequently, the appeal stands dismissed.

(R.S.Mohite, J.)